

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Paul Aery,

Case No. 21-CV-2375 (KMM/LIB)

Plaintiff,

v.

ORDER

Nick Bender et al.,

Defendants.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois dated March 1, 2023. No objections have been filed to that R&R in the time period permitted. In fact, Mr. Aery has not engaged with this litigation in any way in more than five months.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise.

IT IS HEREBY ORDERED that this action as alleged against Defendant Brian Birt is **DISMISSED without prejudice**.

Let Judgment Be Entered Accordingly.

Date: **April 3, 2023**

s/ Katherine M. Menendez

Katherine M. Menendez
United States District Judge